

**§ 781.4 U.S. Government requests for information needed to satisfy the requirements of the APR or the Act.**

From time-to-time, one or more U.S. Government agencies (i.e., the Department of Defense, the Department of Energy, the NRC, or BIS) may contact a location to request information that the U.S. Government has determined to be necessary to satisfy certain requirements of the APR or the Act (e.g., clarification requests or vulnerability assessments). If the manner of providing such information is not specified in the APR, the agency in question will provide the location with appropriate instructions.

**§ 781.5 Authority.**

The APR implement certain provisions of the Additional Protocol under the authority of the Additional Protocol Implementation Act of 2006 (Pub. L. 109-401, 120 Stat. 2726 (December 18, 2006)). In Executive Order 13458 of February 4, 2008, the President delegated authority to the Department of Commerce to promulgate regulations to implement the Act, and consistent with the Act, to carry out appropriate functions not otherwise assigned in the Act, but necessary to implement certain declaration and complementary access requirements of the Additional Protocol and the Act.

**PART 782—GENERAL INFORMATION REGARDING REPORTING REQUIREMENTS AND PROCEDURES**

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**AUTHORITY:** United States Additional Protocol Implementation Act of 2006, Pub. Law No. 109-401, 120 Stat. 2726 (December 18, 2006) (to be codified at 22 U.S.C. 8101-8181); Executive Order 13458 (February 4, 2008).

**SOURCE:** 73 FR 65128, Oct. 31, 2008, unless otherwise noted.

**§ 782.1 Overview of reporting requirements under the APR.**

Part 783 of the APR describes the reporting requirements for certain activities specified in the APR. For each activity specified in part 783, BIS may require that an *Initial Report*, an *Annual Update Report*, a *No Changes Report*, an *Import Confirmation Report*, a *Supplemental Information Report*, or an *Amended Report* be submitted to BIS. In addition, persons subject to the APR may be required to provide BIS with information needed to assist the IAEA in clarifying or verifying information specified in the U.S. declaration or in clarifying or amplifying information concerning the nature of the activities conducted at a location (see §§ 783.1(d) and 784.1(b)(2) of the APR for requirements concerning a *Supplemental Information Report*). If, after reviewing part 783 of the APR, you determine that you are subject to one or more APR reporting requirements, you may obtain the appropriate forms by contacting BIS (see § 782.5 of the APR). In addition, forms may be downloaded from the Internet at <http://www.ap.gov>.

**§ 782.2 Persons responsible for submitting reports required under the APR.**

The owner, operator, or senior management official of a location subject to the reporting requirements in part 783 of the APR is responsible for the submission of all required reports and documents in accordance with all applicable provisions of the APR.

**§ 782.3 Compliance review.**

Periodically, BIS will request information from persons and locations subject to the APR to determine compliance with the reporting and record-keeping requirements set forth herein. Information requested may relate to nuclear fuel cycle research and development activities not involving nuclear material, nuclear-related manufacturing, assembly or construction activities, or uranium hard-rock mining activities as described in part 783 of the APR. Any person or location subject to the APR and receiving such a request for information must submit a response to BIS within 30 calendar days

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of receipt of the request. If the requested information cannot be provided to BIS, the response must fully explain the reason why such information cannot be provided. If additional time is needed to collect the requested information, the person or location should request an extension of the submission deadline, before the expiration of the 30-day time period set by BIS, and include an explanation for why an extension is needed. BIS will grant only one extension of the submission deadline. The maximum period of time for which BIS will grant an extension will be 30 days. Failure to respond to this request could lead to an investigation of the person's or location's reporting and recordkeeping procedures under the APR.

### § 782.4 Assistance in determining your obligations.

(a) *Determining if your activity is subject to reporting requirements.* (1) If you need assistance in determining whether or not your activity is subject to the APR's reporting requirements, submit your written request for an activity determination to BIS. Such requests may be sent to BIS via facsimile to (202) 482-1731, e-mailed to [apdr@bis.doc.gov](mailto:apdr@bis.doc.gov), or hand delivered, submitted by courier, or mailed to BIS, in hard copy, to the following address: Treaty Compliance Division, Bureau of Industry and Security, U.S. Department of Commerce, Attn: AP Activity Determination, 14th Street and Pennsylvania Avenue, NW., Room 4515, Washington, DC 20230. Your activity determination request should include the information indicated in paragraph (a)(2) of this section to ensure an accurate determination. Also include any additional information that would be relevant to the activity described in your request. If you are unable to provide all of the information required in paragraph (a)(2) of this section, you should include an explanation identifying the reasons or deficiencies that preclude you from supplying the information. If BIS cannot make a determination based upon the information submitted, BIS will return the request to you and identify the additional information that is necessary to complete an activity determination. BIS will provide a written response to

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your activity determination request within 10 business days of receipt of the request.

(2) You must include the following information when submitting an activity determination request to BIS:

- (i) Date of your request;
- (ii) Name of your organization and complete street address;
- (iii) Point of contact for your organization;
- (iv) Phone and facsimile number for your point of contact;
- (v) E-mail address for your point of contact, if you want BIS to provide an acknowledgment of receipt via e-mail; and
- (vi) Description of your activity in sufficient detail as to allow BIS to make an accurate determination.

(b) *Other inquiries.* If you need assistance in interpreting the provisions of the APR or need assistance with APR report forms or complementary access issues, contact BIS's Treaty Compliance Division by phone at (202) 482-1001. If you require a written response from BIS, submit a detailed request to BIS that explains your question, issue, or request. Send the request to the address or facsimile included in paragraph (a) of this section, or e-mail the request to [apqa@bis.doc.gov](mailto:apqa@bis.doc.gov). To ensure that your request is properly routed, include the notation, "ATTENTION: APR Advisory Request," on your submission to BIS.

### § 782.5 Where to obtain APR report forms.

Report forms required by the APR may be downloaded from the Internet at <http://www.ap.gov>. You also may obtain these forms by contacting: Treaty Compliance Division, Bureau of Industry and Security, U.S. Department of Commerce, Attn: Forms Request, 14th Street and Pennsylvania Avenue, NW., Room 4515, Washington, DC 20230, Telephone: (202) 482-1001.

### § 782.6 Where to submit reports.

Reports required by the APR must be sent to BIS via facsimile to (202) 482-1731 or hand delivered, submitted by courier, or mailed to BIS, in hard copy, to the following address: Treaty Compliance Division, Bureau of Industry